

ST. LOUIS COUNTY ATTORNEY BUSINESS PLAN

I. Executive Summary

The mission of the office of the St. Louis County Attorney is to promote the well-being of County citizens through fair and vigorous prosecution of crime; to assist and protect victims and others in need; and to provide timely, sound, and effective legal advice and representation to County Departments and the Board of Commissioners.

Many of our activities are statutory: to prosecute crime, provide services to victims, represent the interests of the County in its human services activities, provide legal advice to the County departments and representation on claims against the County. Staff is comprised of 30 attorneys, 9 investigators, and 30 clerical and administrative staff located in Duluth, Hibbing and Virginia. The office has four divisions: Criminal, Civil, Public Health and Human Services (PHHS), and Victim Witness Services.

While adult crime in the County is not rising, juvenile delinquency cases are up 10%. The level of violence and complexity of criminal cases have increased without the appropriate increases in staff to handle the additional burden required to bring about justice. Crime prevention efforts, programs to reduce recidivism, and services to enhance the well-being of families have been eliminated or substantially underfunded. Internally, County employees are making more claims against the County. As a result, case loads of all divisions in the office are increasing.

Public perception of crime, the demand for increased collaborations with schools, law enforcement, corrections, and agencies that work with victims and offenders require County Attorneys to do more than just provide legal representation to the County. The office is expected to be proactive and provide leadership and a presence in the community to address issues of public safety and the well-being of County citizens.

The office is also expected to be proactive within the County in identifying risk areas and providing sound legal advice to all departments. As such, it is imperative to have adequate levels of staffing and to facilitate training and technology to ensure that public money is effectively utilized to enhance public safety.

Key initiatives of the Civil division will be geared toward enhancing the effectiveness of County operations through risk management. The office will identify areas where County departments are at risk for legal liability and will train County staff on legal compliance. It will also develop technology to assist in processing contracts.

The Criminal division will continue to participate in making the criminal justice system more receptive to the public's demand to hold criminals accountable for their actions while reducing the cost burden to incarcerate and change the behavior of these individuals. Its key initiatives include faster case processing and support of existing problem-solving courts such as the drug courts and new initiatives such as DWI court and domestic violence sentencing courts.

The PHHS division initiatives include efforts toward providing children with a head start on the path to success through economic security for their families through

establishment of paternity and child support enforcement. Another important initiative of the division is development of youth crime prevention strategies such as truancy prevention programs and child protection services.

II. Who are we?

A. Mission of the St. Louis County Attorney

The mission of the St. Louis County Attorney is to promote the well-being of County citizens through fair and vigorous prosecution of crime; to assist and protect victims and others in need; and to provide timely, sound, and effective legal advice and representation to County departments and the Board of Commissioners.

B. Why do we exist?

Every four years the citizens of each Minnesota County elect a County Attorney to provide criminal prosecution and legal services to counties. The duties of the County Attorney are set forth by statute. The St. Louis County Attorney maintains four offices: one in each of the County courthouses in Duluth, Hibbing, and Virginia, and one in the Government Services Center in Duluth.

C. Primary lines of business

The office is divided into four divisions to carry out its statutory duties.

1. Civil Division

The Civil division provides legal advice to County departments, Administration, and the Board of Commissioners. We administer claims covered by County self-insurance funds, including worker's compensation. We also initiate civil forfeiture actions and defend the County in civil actions and in tax court actions.

2. Criminal Division

The Criminal division prosecutes adult criminal offenses.

3. Public Health and Human Services Division

The Public Health and Human Services (PHHS) division prosecutes juvenile delinquency and represents the St. Louis County PHHS Department in matters involving children and adults in need of protective or rehabilitative services, child support, paternity, licensing, and public benefits.

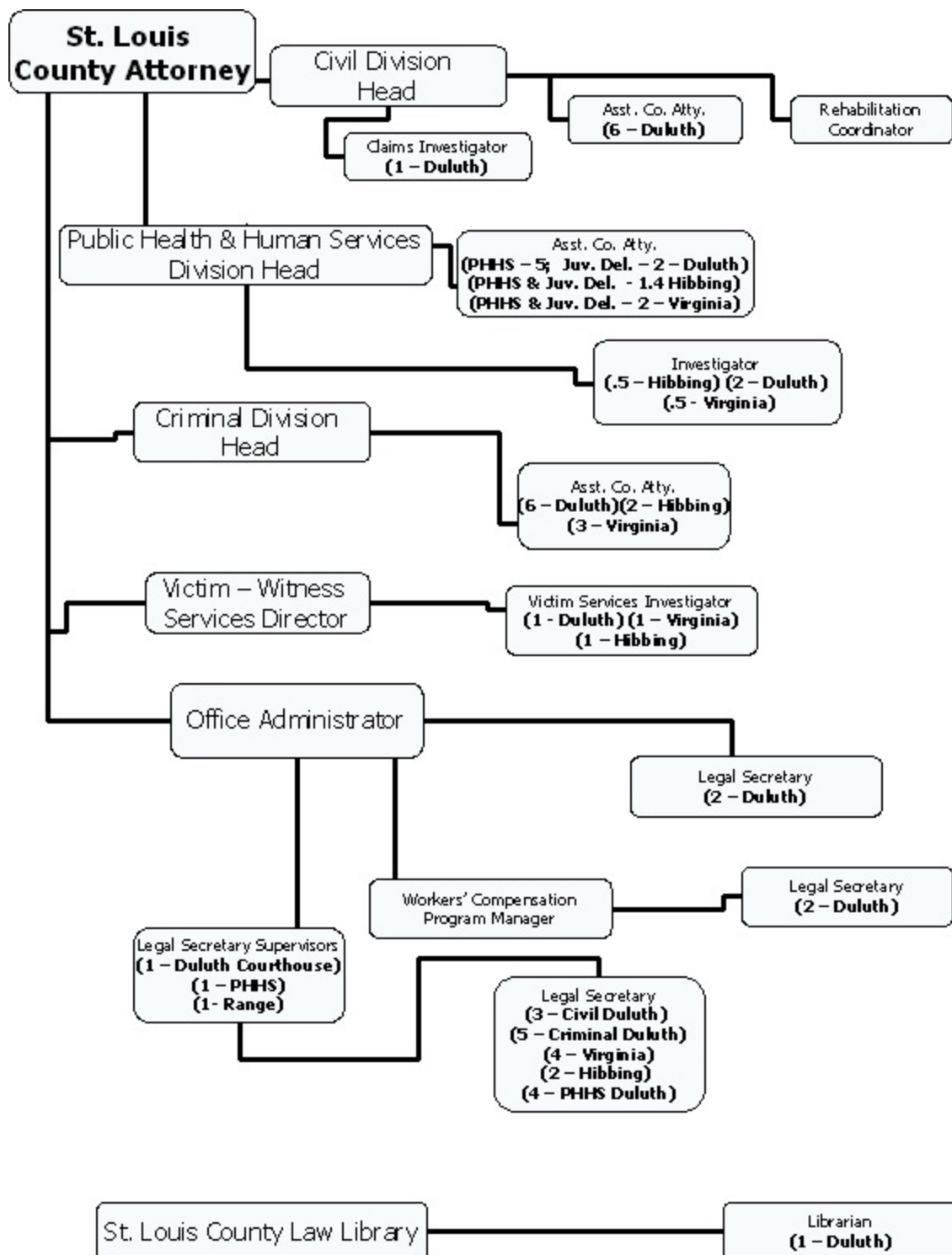
4. Victim Witness Services Division

The Victim/Witness Services division provides services to victims of crime and assists the office with witnesses and trial preparation.

D. Allocation of funds by program

Administration	7%
Adult Criminal Prosecution	34%
Civil Division	25%
Juvenile Delinquency Prosecution	8%
PHHS	19%
Victim-Witness Services	7%

E. Organization chart



F. Significant trends and changes

1. External factors affecting office activities

a. Crime

Almost half of this office's caseload is the result of adult and juvenile crime. In 2006 the County experienced a 10% increase in juvenile crime over the prior year, and it continues to climb in 2007. The most common juvenile delinquency offenses are underage alcohol consumption, thefts, and traffic violations. Increasingly violent behavior by juveniles requires more staff time to handle cases because of the seriousness of the offenses and the increased likelihood that adult certification proceedings will be pursued.

Although adult criminal referrals from law enforcement have remained steady for the past three years, the cases are becoming more complex, labor intensive, and costly due to legislative changes, expansion of the defendants' right to a jury trial in sentencing proceedings, and the nature of the crimes. Approximately 25% of the cases are crimes against persons including assaults, terroristic threats, violation of protection orders; about 21% are drug and alcohol offenses; 17% are traffic cases including DWI and Criminal Vehicular Operation; 15% are property crimes; the remainder are miscellaneous criminal offenses. The number of victims has increased because single offenders victimize more individuals. We are seeing many more women offenders than in the past. An increase in crime may increase the number of forfeitures of property handled by the Civil division.

b. State and local funding cuts

The County is faced with reductions in State and local funding for programs for mentally ill, mentally retarded, and chemically dependent persons. With the resulting reduced services, we expect the number of commitments, guardianships, and administrative appeals to increase.

Decreased funding for community service programs and detention alternatives, more serious crimes, and legislative changes have resulted in larger jail populations. Additionally, limited programming and detention options for women, who are engaging in more serious levels of crime, create challenges for this office in achieving case settlements and sentencing recommendations. Re-entry services have also been reduced or eliminated due to lack of funding. This has a direct impact on recidivism.

c. Local economy

More people in St. Louis County live in poverty than the State average. There is a lack of low and moderate income housing. These factors affect the work of our office in several ways: we expect more petitions to tax court and more requests for legal services from the Land Department due to an increase in tax forfeitures, an increase in requests for easements over tax forfeit land, partitions and land exchanges, and an increase in trespass and other illegal use of tax forfeit land. We experience difficulties in finding witnesses and getting them into court for proceedings, due to the transient nature of the population.

d. Public expectations

A recent County survey showed that, more than any other concern, people feel crime in their neighborhoods is of paramount importance for the County to address. Drug use is adversely affecting many of our citizens. The public expects a prompt and tough response to crime. There is a national trend toward community policing and community prosecution. This model of public safety emphasizes the close relationship between law enforcement, prosecution, and the citizens. The Duluth Police Department has implemented this strategy. In true community prosecution, police and prosecutors are in neighborhoods, attending community events, providing education and training on the criminal justice system. We have received requests to house staff in a proposed Family Justice Center in Duluth.

Requests for collaborations between non-profits that work with victims and offenders and government agencies are increasing, as are requests for coordination of Safe School efforts between various County departments, including ours, and the school districts.

The judicial system is also changing, with a trend toward more problem-solving courts such as drug courts. Legislative changes and court decisions also reflect the trend toward more rights for defendants and swifter resolution of cases affecting children. As a result, the cases we handle are becoming more time consuming.

2. Internal factors

a. Aging work force

The County work force is aging, and there will be many retirements in the next five years, both within the office and in other County departments. We anticipate more work-related injuries throughout the County, creating an additional work load for the workers' compensation staff.

b. Employee claims

Throughout the County, more employees are filing charges alleging violations of employees' rights. If this trend continues, it will put an increased burden on our Civil division staff to appropriately respond to and handle these claims.

c. Technology

The County is continuing to develop technology to integrate all aspects of the criminal justice system and is partnering with regional law enforcement and state courts to implement file sharing/electronic communication flow.

d. Enforcement activity

County departments are seeking increased enforcement activity from our office for septic, health, and zoning violations, and prosecution of trespasses on tax-forfeited lands.

e. Funding

The Board of Commissioners anticipates a budget ceiling of around 4.2% for 2008. In spite of the increasing demand for attorney services, the office cannot increase staff. The attorneys currently handle a case load higher than that recommended in our profession, and we anticipate even higher caseloads in the future.

III. What do we want to achieve and how are we going to get there?

A. Vision

The County Attorney's vision for the office is to enhance the safety of County citizens through effective legal services and prosecution and to address the underlying sources of crime in order to reduce criminal activity. This vision addresses two of the Board of Commissioners' priorities: creating a more efficient and effective government, and promoting the health and well-being of County citizens.

This vision requires us to:

1. Create a working environment that offers challenging and fulfilling work for our employees and in which our employees are recognized for their contribution to the office and community; form a more cohesive bond among all divisions and offices; and offer strong, formalized training, mentoring and cross-training among staff;

2. Improve our office's use of technology;

3. Conduct training throughout the County departments to ensure proper legal practices;

4. Achieve a reduction in criminal activity in the County by: (a) timely and effective prosecution; (b) crafting sentences that reflect the concerns of victims and needs of the community; (c) providing community education and public awareness of crime prevention strategies; and (d) by supporting the educational and rehabilitative needs of Defendants;

5. Become a leader in the establishment of networks of collaborative prevention programs that address factors that contribute to criminal behavior; and

6. Strengthen relationships with citizens, governmental, educational, and law enforcement agencies and groups that interact with the work of our office.

B. Key initiatives

1. Administration

Development of staff is a top priority. With a new management team in place and recent staff changes, supervisory training at all levels is necessary. Work policies, job descriptions, performance expectations, and work environment will be reviewed and updated as necessary. As new staff is hired, an effort will be made to diversify the staff so that it is representative of the general population of the County. In order to address future retirements, job satisfaction, and to be prepared in the event of an economic downturn, we will develop a cross training program among divisions and training on diversity, professional ethics, and other required professional training. We will also strive to provide staff with updated technology and the tools necessary to do the important work of the office.

2. Civil division

The primary goal of the Civil division is to maintain services to the County without an increase in staff. For the reasons noted in the section on significant trends and changes, workloads are increasing. The division also has added responsibility for assisting administration with department planning, training and other management.

a. Training

One goal of the Civil division for which a KPI was submitted involves training other County departments. During 2008, the Civil division plans to provide training on the following topics:

1. Data practices.
2. Contract drafting and processing.
3. County Board letters, resolutions and presentations.
4. Ordinance enforcement.
5. Harassment in the workplace.
6. Workers' Compensation.

Our target is to provide training on four topics by the end of 2008, and the balance in 2009.

Training in all of these areas, including Workers' Compensation for supervisors, has become necessary because of current and anticipated turnover in staff due in part to retirements. Information obtained through this training will be used in management and decision-making in the Sheriff's department and Employee Safety and Development. A trained workforce is more efficient and more effective. Knowledgeable employees are able to provide better service to the public.

b. Contracts

A second goal of the Civil division for 2008 is to increase the timeliness of the processing of contracts. One indicator for timely processing will be the completion of a contract draft within 30 days of a request from a department. The performance target

will be that 90% of contracts will be ready for signatures within 30 days of the request from a department. Timely processing of contracts helps insure that payment for services are timely and that services are provided as needed, since the work governed by a contract should not begin until contracts are fully executed. Related to that goal is a third goal to maintain up-to-date and complete records of contract processing and completion. The indicator for this goal is that all applicable fields in DAMION, our case management software program, will be completed within 30 days of contract execution. The performance target is that 90% of the fields applicable to each contract will be completed within 30 days of execution. When DAMION records are up-to-date and complete, staff time to track contracts during the process is reduced, leading to more efficient and effective use of staff time. Although not specifically included in a KPI, current efforts by MIS to create an electronic contract routing system will also improve efficiency and decrease the processing time.

c. Risk management

For the longer term, we must continue to be prudent stewards of the public's money. We will develop strategies to identify exposure to civil liability and dollars spent because of the County's risk-generating activities, and continue to recommend or provide training to reduce financial exposure.

3. Criminal division

a. Timely prosecution

A key component of administering justice is to make timely decisions on whether to bring criminal charges and if a decision is made to charge, to bring the charges to a resolution in a timely manner. This protects the rights of both defendants and victims, assists in caseload management, optimizes the use of criminal justice system resources, deters crimes by providing more immediate consequences, and instills public trust in the criminal justice system.

Our target is to make charging decisions within 30 days of receipt of the referral from a law enforcement agency and, if charged, to resolve the case within a year of the first court appearance. Currently, we are charging 81% of cases within 30 days of receiving a referral from law enforcement. We are continuing to establish measurement tools to determine how many cases are resolved within a year of the initial appearance.

b. Problem solving courts

The second goal is for the Criminal division to continue its collaboration in the very effective drug court programs in Northern and Southern St. Louis County and to be actively involved in ongoing collaborations to establish additional problem-solving courts including a DWI court and a domestic violence sentencing court and a mental health court. Problem-solving courts provide intensive supervision to participants and preliminary results from drug court are very promising. Treating chemical dependency and reducing recidivism benefit the individual defendants, their families and the whole of the community.

The performance target is to have one prosecutor assigned to each existing or ongoing collaborative effort to bring the prosecutorial perspective into these problem solving courts.

c. Improving the criminal justice system

A longer term goal of the office is to identify the areas where the criminal justice system fails, or in which the public lacks faith in the system, and work to fix the problems or address the community's fears.

d. Prevention efforts

Another long-term goal is to reduce crime by addressing the factors that attribute to criminal behavior. While prosecutors traditionally react to crime, it is our goal to work with other government and community agencies to prevent crime.

4. PHHS Division

a. Paternity

One key initiative of the PHHS division is to exceed Federal and State mandates in establishing paternity and support orders. Currently, the Federal benchmark for paternity establishment and support orders is 80%. Our initiative is for St. Louis County to show a 3% improvement each year from our current level of performance.

b. Truancy

Because of the correlation between adult crime and truancy in the adult offenders' youth, PHHS division will address truancy. The office plans to expand truancy intervention services throughout the County. Since truancy is often symptomatic of other familial problems, adequate interventions other than the courts must be provided to the students and families.

A first step in this initiative is to inform the public and educators about the law relating to school attendance. The PHHS division has an ongoing public education effort to inform the public about the difference between educational neglect and truancy. The County Attorney's staff will visit schools around the County to inform parents and students about the legal obligations relating to school attendance.

Through collaboration with other agencies, including the courts, we hope to implement appropriate dispositional programs for students in truancy court. If programs are in place for the courts to use as dispositional tools, the courts can order the student to complete specific programs where they would receive adequate instruction which would address the student's truancy issues and problems maintaining grade level.

One problem we see in children who are truant is that their school absences cause them to fall so far behind that they give up the hope that they can catch up, and become truant again. We hope to create a mentorship program, pairing these students with university students to tutor the students and encourage them to return to school.

c. Permanency for children

In order to promote the well-being of County citizens through achieving permanency for Children In need of Protective Services (CHIPS), a PHHS division initiative is to reduce the length of time between the child entering foster care and filing a petition for permanent placement of the child. The Federal government has linked its reimbursement to States for out-of-home placements to compliance with permanency standards. If a State and its counties do not meet permanency timelines, the Federal government could reduce its reimbursement to the State. Therefore, the PHHS division's desire is to achieve permanent placement within 12 months of the child's entrance into foster care. In partnership with the State of Minnesota and St. Louis County's child protection personnel, the health and well-being of children in our community will be enhanced by having a permanent home and, at the same time, reduce the associated costs of out-of-home placement.

d. Problem solving courts

Finally, this division will also advocate for, initiate, and/or participate in new problem-solving courts, such as the recently implemented Family Drug Court, which are geared toward viewing the family as a unit and resolving parenting, delinquency, and other such issues in the context of the family and not as individual cases.

5. Victim/Witness Services division

The overarching objective for this division in the next three years is to continue to provide comprehensive services to victims and witnesses of crime, inform and help ensure their legal rights and act as liaison between victims, witnesses, and the criminal justice system. The office is committed to help ease the physical, emotional and financial hardship caused to these victims, witnesses, and their families and to work with them for safety and justice. However, the number of crime victims that we serve has steadily been increasing so this objective will continue to be a challenge even with our solid collaborative efforts with victim assistance organizations in St. Louis County.

a. Statistical reports

This division's goal for 2008 is to ensure that we are in compliance with Minnesota statutes regarding notification rights of crime victims. We believe that we are doing a good job in this area but cannot produce a report to verify this conclusion. We will develop the Victim-Witness module in DAMION in order to record notification data.

b. Technology

A future goal is to start entering notification data into DAMION to create reports to monitor compliance and determine appropriate action to correct any deficiencies that result in failure to notify victims of all aspects of the case from charging to final disposition. Furthermore, the public is concerned about public safety and some of the notifications deal with safety issues (i.e. offender release from jail or prison). Finally, we will have the capacity to be more efficient and timely when the module is in use due to faster processing of notification letters to victims and witnesses, ability to track

communications with victims and our ability to receive automatic reminders to contact victims and witnesses regarding cases.

c. Professional development

Another 2008 KPI is to increase professional development by victim-witness staff attendance at St. Cloud State University - Minnesota Victim Assistance Academy, and upon graduation, apply with the National Advocate Credentialing Program for national certification. It will take us until 2009 to have all staff complete this program. This will provide staff with the most current knowledge in the field, national and regional trends on crime victim issues, increase staff morale, improve community education presentations, enhance advocacy skills and provide efficient and effective strategies for working with crime victims. Two of our staff have already completed the program. Thirty-one years ago St. Louis County led the way by starting the first prosecutor-based victim assistance program in Minnesota. We are still dedicated to that type of leadership.

IV. What resources are we going to use?

A. Finance plan

The majority of the office budget is personnel-related cost as addressed in the next section. The non-staff budget primarily covers overhead, training, and the cost of trials. Should funding continue to be limited to negotiated salary increases, we may need to seek reimbursement from County departments for legal advice.

Plans to keep Administrative costs down include limiting the budget for legal reference materials, implementing measures to decrease the use of paper and printing/copying costs by effectively utilizing technology and the computerized case management system, encouraging staff to seek local and free training opportunities, and increasing the use of County vehicles for travel.

The cost of trials is an uncontrollable variable. The County Attorney budget must support the cost of transportation for witnesses, the cost of testimony of expert witnesses, the cost of public defenders for many cases handled by the PHHS division, and the cost of forensic investigations. It is unlikely that the expense budget for trials will decrease and these costs are both difficult to predict and difficult to control.

B. Workforce plan

The current 2008 proposed budget of \$6,542,806 is inadequate to fully staff the office. Due to increased work loads, ideal staffing would require two additional attorneys for the criminal division, an additional juvenile delinquency attorney, and an increase of .6 FTE attorney for the PHHS division. Additionally, due to the increasing demand for community collaborations, a part time Community Relations Officer is needed to coordinate activities of all staff throughout the County. The total additional funding for these positions, based on the 2008 projected pay plan, is \$261,000. Existing and possibly increasing workloads will require maintaining current staff levels in the Civil division.

If the Civil division continues to see an increase in workloads with no additional staff, the division priorities will be as follows:

- Represent the County in litigation
- Advise County Board
- Advise Department Heads
- Train departments to assume more responsibility for grievance hearings, arbitration, and other employee matters.

In addition, response time for answers to legal questions would be increased. While not recommended, activities such as debt collection would be delegated to an investigator or transferred to Administration. Bankruptcy claims could be managed by the Auditor. Attorneys would no longer participate on committees such as Land Records Management and Liquor, but would respond to requests for legal opinions. Data Practices requests would all be handled by department staff or Administration.

In the Criminal division, prosecutors would be forced to cut back or eliminate activities that do not directly relate to case processing. The role of a prosecutor is multifaceted and involves not only processing cases, but acting as a community problem solver, educator and leader in the criminal justice community. The prosecutor not only handles criminal cases, but also teaches new laws to peace officers, trains probation and law enforcement on testifying, makes community presentations, and serves as a member of a variety of multi-disciplinary task forces and teams. The prosecutor works with the court administrator's office to address scheduling and other court related problems.

In addition to significantly limiting service on different teams and task forces, prioritizing cases would be necessary and we would need to look at declining the prosecution of low-level drug offenses and nonviolent property offenses. Budget constraints would require a redefinition of the role of a prosecutor to a case processor of serious violent felonies without the ability to act as an educator and to help develop and participate in collaborations, which in the long-run, help keep the community safe.

The Criminal division would make its first priority the prosecution of felony crimes against people including murder, kidnapping, sexual assault, assault and robbery. The priorities would continue following the Minnesota Sentencing Guidelines in descending order of seriousness, with less priority placed on property crimes, low-level drug crimes, and traffic offenses. The lowest priority would be on any activity not involving case processing.

With increasing caseloads without adequate staff, the priorities of juvenile prosecution will be cases which, if committed by an adult, would be a felony. In the area of commitments, priority will be placed on persons currently in the community, and commitments after incarceration would be a low priority.

Similarly, if faced with staff cuts in the PHHS division, the attorneys will have to dedicate all time to case processing and attend collaborations only when time allows.

The consequences of reducing staff and prioritizing cases would be:

- Many more citizens would be dependent on public financial aid and fewer parent/child relationships will be developed.
- St. Louis County could stand to lose considerable amounts of Federal Child Support reimbursement if fewer paternity and establishment orders are pursued by the County Attorney's office.
- Higher rates of incarceration.
- Inability to prosecute every case that comes to our office.
- Increased response time to calls and victim needs which will increase victim frustration, complaints and unwillingness to participate with prosecution of cases.
- Decrease in crisis counseling and supportive services such as home and hospital visits to crime victims and referrals to community resources.
- Reduction in assessment and referrals to community resources.
- Decrease in court advocacy.
- Discontinuance of transportation for poor or disabled witnesses which could also impact our trials.
- Less time to investigate and track down witnesses which will impact our trials.
- Less assistance to victims or community members with victim or community impact statements.
- Inability to provide community and law enforcement education on crime prevention, victim-witness services and community resources.
- Reduction in collaborative efforts with Safe Haven Shelter, Dabinoo'Igan Shelter, Program for Aid to Victims of Sexual Assault, Sexual Assault Multi-disciplinary Team, First Witness, Domestic Abuse Intervention Project, Men As Peacemakers, Range Women's Advocates, Domestic Abuse Response Team, Sexual Assault Nurse Examiners, Gang & Drug Task Forces, Safe Schools, Mothers Against Drunk Drivers, Infant Mortality Review Team, Truancy Interagency Review Team, Truancy Action Program, Indian Child Welfare Teams, participation with the Minnesota County Attorneys Association, the Minnesota Supreme Court Committees, and the Bar association.
- Ability to accept invitations to community events will be reduced.
- It will hinder our ability to continue to be a strong leader in crime victim services by implementing and staying on top of best practices in the field.

These changes in how and what services we administer will not only adversely affect crime victims, witnesses and case dispositions, but will also erode our community's confidence in the criminal justice system, sense of safety and general well being. It will also lower employee morale and pride in the work of this office.

Therefore, we will continue to advocate to the Board to fund an adequately staffed office.

C. Technology Plan for 2008

The Technology Plan for 2008 is to replace older equipment that is vital for the County Attorney's Office. We are setting aside \$34,850 (MIS 5-year plan) for this coming year. We will use between \$25-27,000 to replace 21 PCs for our attorneys and

investigators in our Virginia and Hibbing offices. We will use the remaining portion of the MIS plan to upgrade our telephone system. The recommended telephone for our usage is the D-term phones that are approximately \$300 each.

For 2009, we will be utilizing the same amount of money to replace 21 PCs in our Duluth Courthouse office and the remaining 30-35 phones in our Duluth offices in the Government Services Center and Courthouse.

D. Purchasing Plan

The County Attorney's Office in the Virginia Courthouse office space is inadequate and is addressed in the next section. A plan for purchasing office furniture, and non-construction related items such as carpeting will be developed once a construction plan is developed.

E. Space plan

The office has four different locations, the Hibbing and Virginia branches necessitated by the courts in this judicial district. The Hibbing office was recently renovated and is adequate for our needs as projected for the next three years.

The Virginia office space in the courthouse is grossly inadequate for our needs. We project the number of staff to remain the same for the next several years. However, the work space for our secretaries is too small. There is no room for filing, copying, or appropriate ergonomics. Additionally, there is no reception area, no break room, no conference room, and not even enough space for two people to access their work spaces at the same time. State law requires a separate area in a courthouse for crime victims to await hearings. There is no such space. Providing an adequate work space for these employees should be a top priority of the Property Management Department.

The Duluth staff is split into two offices, one in the courthouse and one in the Government Services Center. Any addition of staff will require a reconfiguration of one or more non office rooms to office space.

However, this split of offices in Duluth is detrimental to a cohesive office where everyone feels part of the office environment and where activities such as mentoring and cross training are made a priority. Ideally, all staff should be housed in the Duluth courthouse, as much of the attorneys' time is spent in courtrooms. If this cannot be accomplished, the overall space plan for the Government Services Center should include relocation of all County Attorney personnel into one floor of that building.